



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5
77 WEST JACKSON BOULEVARD
CHICAGO, IL 60604-3590

SEP 26 2017

REPLY TO THE ATTENTION OF:

VIA EXPRESS MAIL AND EMAIL

Mses. Rose Joy Sundberg and Lisa Sundberg
Post Office Box 399
Trinidad, California 95570

Dear Mses. Rose Joy Sundberg and Lisa Sundberg:

I am writing as a follow-up to the communications that Bob Egan of my staff has had with you during the past few weeks regarding EPA's request for access to your property located at Parcels 12-8 and 12-13, HWY 70 West, Lac Du FlamgARYbeau, WI 54538. The purpose for access is to conduct work related to a pilot study for excavation, the results of which will inform our decision on how to best remediate the Tower Standard/Haskell Lake Petroleum Contamination site ("the Site").

As Bob has explained in text messages to Lisa Sundberg, which were sent on September 20th, EPA's current access agreement with you is only for limited monitoring work and because of this, we are seeking your agreement that we can expand federal access to your property to include the plans for a pilot study of the potential use of excavation as part of the Site cleanup.

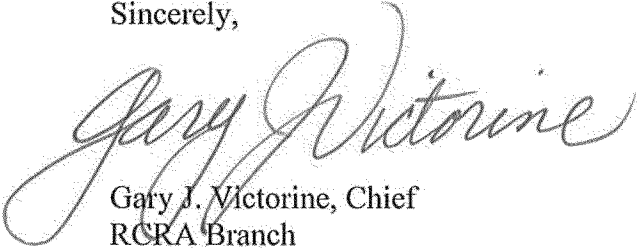
Appropriate access for all parties is essential to Site progress. While President Wildcat of the Lac du Flambeau Band has informed EPA that you have entered into an access agreement with the Tribe, EPA cannot access the Site through your agreement with the Tribe. The Tribe does not represent EPA and it is EPA's practice to negotiate and obtain access directly from the property owner for conducting all federal activities. Thus we cannot access your property as an invitee of the Tribe, nor can your access agreement with the Tribe cover the conduct of federal investigative and cleanup activities. We have informed the Tribe of this on several occasions.

The revised access consent to access form, which Bob sent to Lisa Sundberg via email on September 7th, is enclosed. We would appreciate it if you could review it and, if you consent, sign and return the form as soon as possible. Please return the signed form to EPA in the enclosed pre-paid priority mail envelope, or, if it is more convenient to you, send a scan of the signed document to egan.robert@epa.gov. EPA's goal is to begin addressing the contamination at this Site during this remaining construction season. In the absence of consent to access from

you to EPA for this new work, EPA will not be able to proceed with the planned pilot study at the Site.

Please do not hesitate to call me at (312) 886-1479 or Bob Egan of my staff at (312) 886-6212 if you have any questions. As you are aware, EPA's goal is to further the pilot study and cleanup of the properties affected by the contamination as quickly and effectively as possible, in coordination with all interested and affected parties.

Sincerely,



Gary J. Victorine, Chief
RCRA Branch

Enclosure

cc: President Joseph Wildcat
Larry Wawronowicz
Beverly Labarge

CONSENT FOR ACCESS TO PROPERTY

Parcels 12-8 and 12-13
Highway 70 West
Lac du Flambeau, WI 54538

Rose Joy Sundberg or Lisa Sundberg
PO Box 399
Trinidad, CA 95570

I hereby voluntarily consent to officers, employees, or authorized representatives of the United States Environmental Protection Agency (U.S. EPA), entering and having continued access to freely move about all property at Parcels 12-8 and 12-13, HWY 70 West, Lac du Flambeau, Wisconsin 54538, for the purposes of:

- 1) Conducting monitoring or testing of soils, air, surface water or ground water; and
- 2) Taking corrective action.

I realize these actions taken by U.S. EPA are undertaken pursuant to its enforcement responsibilities under the statutory authority of Section 9005 of the Resources Conservation and Recovery Act (RCRA), as amended, 42 United States Code Section 6991d.

This written permission and Consent for Access to Property is given by me voluntarily, on behalf of myself and all other co-owners of the above stated property, with knowledge of my right to refuse and without threats or promises of any kind.

Signature

Date